Government of Madras

LAW (GENERAL) DEPARTMENT

G.O. No. 208, 23rd January 1935

Motor Vehicles Rules- Speed limit of motor lorries in the South Kanara district—Preliminary notification published.

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LAW (GENERAL) DEPARTMENT

G.C No. 208, 23rd January 1935

Motor Vehicles Rules—Speed limit of motor lorries in the South Kanara district—Preliminary notification published.

Order—No. 208, Law (General), dated 23rd January 1935.

The appended notification will be published in the *Fort St. George Gazette* in English and in the Vernaculars.

(By order of the Governor in Council)

D. H. BOULTON,
Deputy Secretary to Government.

To the District Magistrate, South Kanara.
" the Inspector-General of Police.
" the Secretary, Automobile Association of Southern India.
" the Senior Translator to Government.
" the Law (Drafting) Department.
" the Local-Self Government Department.
" the Public Works and Labour Department.
" the Superintendent, Government Press, for publication of notification in the Gazette (and to send 20 clean copies of notification).

APPENDIX

NOTIFICATION

The following draft of a rule to regulate the driving of motor lorries on public roads in the South Kanara district which the Governor in Council proposes to make in exercise of the powers conferred on him by clause (*g*) of sub-section (2) of section 11 of the Indian Motor Vehicles Act, 1914 (VIII of 1914), is published, as required by sub-section (1) of the said section, for the information of all persons likely to be affected thereby.

Notice is hereby given that the draft will be taken into consideration by the Governor in Council on or after the 1st March 1935 and that any objection or suggestion which may be received from any person with respect to the draft before the date aforesaid will be considered by the Governor in Council.

DRAFT RULE.

No person shall drive a motor lorry in any public place in the South Kanara district at a speed exceeding the following limit, namely :—

(i) in towns and villages—15 miles per hour ; and

(ii) in other places—25 miles per hour.

Explanation I.—In this rule 'motor lorry' means a motor vehicle constructed or adapted for use for the carriage of goods.

Explanation II.—Nothing contained in this rule shall be deemed to dispense with the observance of any restriction or condition imposed by, or in pursuance of, the Madras Motor Vehicles Rules, 1923.

Forwarded to the

(By order)

Superintendent,
Law Department.

Ref. Cl--3343-M-34. South Kanara District Magistrate's Office

Camp: Panemangalore, dated 21st August 1934.

24 AUG 1934

RAT 1-PT.

From

E. M. Gawne, Esq, I.C.S.,

District Magistrate,

South Kanara.

The Secretary to Government,

Law (General) Department,

Madras.

Motor Vehicles--Lorries--Rules about taking out "G" permit.

I request to be informed whether Government propose to issue rules requiring lorries to have a permit for ~~the~~ road use. In South Kanara lorry traffic will be starting again in another month. The Government will remember that I brought up this matter at the Collector's Conference and the Government agreed that lorries might be controlled by making the owners take out a permit akin to a "G" permit.

Your obedient servant,

Gawne

Dt. Magistrate.

2/

Law Secy Dy

((No 2499A)

Memo: 2499A-1928.8

(Motor Vehicles - Loans - control - delete from the DM S. Kanara. Ref. C/- 3343 dt. 21.8.34)

The DM S. Kanara is informed that the question is still under the consideration of Govt.

25/8 cw 25/8

25/8

To
The DM S. Kanara

Dpd. by Van / Post / Messenger

Dpr.'s initials.

Date 29/8 193 .

3

LOCAL SELF-GOVERNMENT (L. & M.) DEPARTMENT.

NOTE FOR THE COLLECTORS' CONFERENCE, 1934.

[SUBJECT.—*Motor Vehicles Act—Lorries plying for hire, etc.—Definition.*]

The District Magistrate, South Kanara, suggests that a real attempt should be made to get a definition which would make lorries plying for hire or let for hire or receiving hire or carrying for hire goods not owned by the owner of the lorry *pay more* for the use of roads than the lorry owned *bona fide* by an estate.

2. The term 'plying for hire' has not been defined either in the Indian Motor Vehicles Act, 1914, the Madras Motor Vehicles Rules, 1923, or the Madras Motor Vehicles Taxation Act, 1931. The Government have however issued executive instructions to all presidents of district boards and chairmen of municipal councils to the effect that a lorry should be said to ply for hire when it performs in respect of goods the same function as a bus performs in respect of passengers, that is, runs regularly on a scheduled route and carries goods for payment and is required to have a 'G' permit; other lorries should be classed as private.

3. According to the Madras Local Boards and Madras District Municipalities Acts (as amended last year), lorries are classified into those plying for hire and those not plying for hire. A lorry owned by one person and used for carrying the goods of another is not a lorry plying for hire. The suggestion of the District Magistrate, South Kanara, is that such lorries should pay more than the nominal licence fee of Rs. 5 a year prescribed in the Local Boards and Municipal Acts. This requires an amendment of the Acts which in any case seems premature as the recent amendments have come into force only from 1st April 1934.

4. Presidents of district boards feel that lorries carrying goods and merchandise, when they are not the property of the firm or individual but are hired, should pay a higher rate of licence fee than lorries which are the property of the particular firm or individual or are used privately for the purposes of the owner. This view overlooks the fact that lorries used in the course of trade and industry pay under the Madras Motor Vehicles Taxation Act a higher rate of tax (under clause 3 of Schedule II) than other motor vehicles. In other words the use which they make of the roads in the course of their business is taken into account in fixing the *rate of provincial tax* which they should pay.

E. CONRAN SMITH—5-5-34.

6

Law (Genl) accpt

The question referred to in this note should be examined urgently and a note put up

30.5.

A. v. note letter by Police Commissioner, Police Madras is circulated for approval.

31.5

(4. MHA 1.6

8 60

Law (General) Department.

3-JUN 1934

U.O. Note Camp/44A-2 3.6.34

Motor Vehicles Act - Lorries plying for hire, etc. - Definition.

It was suggested (and the suggestion was received with approval by all District Magistrates present) at the recent Collectors' Conference that the time had come to exercise greater control over all lorries using the public roads, particularly as regards the question of their road-worthiness.

The Government have therefore under contemplation the desirability of prescribing a special permit or license to be taken out by all lorries, one of the conditions of which would be that every lorry should be subject to an examination by the Inspector of Motor Vehicles similar to that which all vehicles plying for hire have to undergo.

The remarks of the Inspector-General of Police and the Commissioner of Police, Madras, are invited u.o. on this subject.

31.5.

Commissioner of Police U.O

362 mm 734.

Retransmitted.

2 I am in agreement with the suggestion that all lorries should be subject to a periodical examination regarding their roadworthiness.

Lorries come under two classes:--Viz.

Heavy lorries privately owned.

Light lorries privately owned.

3 In the case of the former the registration automatically expires annually under Rule 33 of the Madras Motor Vehicles Rules and has to be renewed

pection is insisted upon under Rule 34.

4 In the case of the latter the suggested measure will make it obligatory on the owners to produce them up for periodical examination.

5 As regards the question whether the examination should be conducted by the Inspector of Motor Vehicles, in the City many owners have their own competent automobile engineers e.g. the Corporation of Madras, The Madras Port Trust, Messrs. Spencer & Co., etc. and I would suggest that it may be left to the licensing authority to accept the certificate of any automobile engineer whom he may deem competent.

Lfwd: 2499 A 13.6.8

Offg. Commissioner of Police,
Madras.

To

The Secretary to Government,
Law (General) Department.

D 8 Lfnd: 2517A/1463

Law (General) Department.

U.O. Note. Camp/14A-2 d. 1.6.34

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The remarks of the Inspector-General of Police and the Commissioner of Police, Madras, are invited u.o. on this subject.

Dated 31.5

I.G. of Police U.O.

468/Stat/34 U.O
13th June '34

Police Department.

I agree that it is desirable that all motor-lorries which use the roads should be required by rule to take out permits and should be subject to inspection by the Inspector of Motor Vehicles. Heavy lorries which are not in a safe condition constitute a grave danger to other vehicles and to foot-passengers and their condition particularly in reference to their

Brake

9

brake parts and steering gear, is a matter which should, in the public interest, be subject to periodical inspection and control.

2. The great difficulty as regards private cars plying for hire without permits is to prove the fact of hire having been paid, the defence generally made being that passengers were given free lifts. I agree however that it would be good to have lists made out in all cases of cars without permits suspected to be plying for hire and to have them specially watched. Notices to owners of such cars and warnings to their owners might also be productive of good result.

J.
The Secretary to Govt.
Home Dept. Sym- U.O

for I.G. 13/6.

INTERNATIONAL 1948
14 JUN 1934
DEPARTMENT

13

LOCAL SELF-GOVERNMENT (L. & M.) DEPARTMENT.

NOTE FOR THE COLLECTORS' CONFERENCE, 1934.

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2. The term 'plying for hire' has not been defined either in the Indian Motor Vehicles Act, 1914, the Madras Motor Vehicles Rules, 1923, or the Madras Motor Vehicles Taxation Act, 1931. The Government have however issued executive instructions to all presidents of district boards and chairmen of municipal councils to the effect that a lorry should be said to ply for hire when it performs in respect of goods the same function as a bus performs in respect of passengers, that is, runs regularly on a scheduled route and carries goods for payment and is required to have a 'G' permit; other lorries should be classed as private.

3. According to the Madras Local Boards and Madras District Municipalities Acts (as amended last year), lorries are classified into those plying for hire and those not plying for hire. A lorry owned by one person and used for carrying the goods of another is not a lorry plying for hire. The suggestion of the District Magistrate, South Kanara, is that such lorries should pay more than the nominal licence fee of Rs. 5 a year prescribed in the Local Boards and Municipal Acts. This requires an amendment of the Acts which in any case seems premature as the recent amendments have come into force only from 1st April 1934.

4. Presidents of district boards feel that lorries carrying goods and merchandise, when they are not the property of the firm or individual but are hired, should pay a higher rate of licence fee than lorries which are the property of the particular firm or individual or are used privately for the purposes of the owner. This view overlooks the fact that lorries used in the course of trade and industry pay under the Madras Motor Vehicles Taxation Act a higher rate of tax (under clause 3 of Schedule II) than other motor vehicles. In other words the use which they make of the roads in the course of their business is taken into account in fixing the *rate of provincial tax* which they should pay.

E. CONRAN SMITH—5-5-34.

L.S.G.(L.&L.) Department.

Collectors' Conference, 1934.

(Item No.16)

Motor Vehicles Act -Lorries plying for hire - Definition.

Discussion on this subject showed that the real intention was to obtain control over all lorries rather than to increase revenue received from such vehicles. The question is therefore one of enforcing the Motor Vehicle Rules which already require a lorry let for hire to take out a 'G' Permit. It was finally agreed that it would be desirable to insist on all lorries taking out a 'G' Permit and the question is to be examined.

This item, as it turned out, proves to be a matter for Law (General). But L.S.G. are concerned in that the proposal under consideration may lead to demand ffom District Boards for the right to impose a higher licence fee than the nominal rate now permitted on lorries 'let for hire'. This will not, however, be legal as the words 'let for hire' which appear in the Indian Motor Vehicle Rules do not find a place in the Madras Local Boards Act.

If the proposal to insist on all lorries taking out a 'G' Permit is finally approved, it will be necessary to revise the G.O. in which we informed local bodies that a 'G' Permit is one of the criteria to be adopted in deciding whether a Motor Vehicle is plying for hire.

C.S.
25-5-34

The above note of the proceedings of the Conference may be sent to Law Dy. Secretary for

favour of perusal and remarks, if any.

L.S.
25-5-34

Law (General) Department.

Submitted.

Seen. Thanks. I have already sent my own note on this subject to L.S.G. I have no more remarks to add.

D.H.S.
25-5-34
Financial.
L.S.
29-5-34

S.B.R.
30-5-34

A copy of the notes on discussion at the Collectors' Conference on pp. 2 ante may be sent to Law(General) Department for further action regarding the question of 'G' Permits. After a final ~~decision~~ decision is reached on the proposal, further action may be taken in respect of 'B' on pp. 6-7 ante.

A.S.
18-6-34
T.S.R.
19-6-34

K.N.
20-6-34

C!
22

Law(G)

The opinion of the Conference was that all lorri should be subject to greater control particularly as regards the question of their road worthiness than they are at present and that they should be compelled to tak out 'G' Permits whether they ply for hire or not. Both the Commissioner of Police and the I.G of Police, who were consulted, have agreed with the suggestion that the should be subject to a periodical examination regarding their roadworthiness. So far as the city is concerned the Commissioner of Police suggests that it may be left to the licensing authority to accept the certificate of an automobile Engineer whom he may deem competent.

2. Neither the I.G of Police nor the Commissioner of Police seem to have gone into the question carefully. Lorries may be divided into ~~the~~ following categories.-

(1) Lorries plying for hire; and

(2) Lorries which ply for hire without 'G' Permits.

(3) Privately owned lorries.

Again lorries are of two classes, viz., Heavy motor lorries and light motor lorries.

3. Lorries plying for hire have to take out 'G' Permits and are subject to the conditions of the 'G' Permit except certain conditions which apply to buses. As the rules stand at present the half-yearly inspection laid down by condition (4) of the 'G' Permit ~~is~~ can be not insisted upon in the case of motor lorries - vide note 3 to the conditions of the 'G' Permit. Lorries plying for hire thus escape the half yearly examination by Bus Inspector The reason for exempting these vehicles from the examination will be found in G.O.No.2056, Home (Judicial), date 19-8-1920. In view of the opinion of the Conferenc half yearly examination may be insisted upon in the case of lorries plying for hire and the rules amended in thi

regard. It may be noted that this question has already been considered but it has been held over pending the general revision of the Motor Vehicles Rules. The following points, however, arise in this connection.-

(1) F e e s.- The brake certificate fee for the examination of motor buses is Rs. 25 or Rs. 50 per annum. If the same rate is insisted upon, the few lorries which ply for hire will in all probability cease to take out 'G' Permits and the result will be that they will continue to ply for hire ~~but with 'G' Permits as is now being done in most districts.~~ The form of brake certificate will be found in G.O.No. 2971 Lab(Y)-1969 dt. 30 for motor lorries (A) concerned, a detailed examination as in the case of buses is not necessary. All that the Inspector has to examine will perhaps be the brakes, engine, chassis and tyres. A nominal fee of Rs. 5 (or Rs.10 per annum) will perhaps be sufficient. For orders.

(ii) Examination in the City.- The Deputy Commissioner of Police suggests that he may be allowed to accept the certificate of any automobile Engineer whom he may deem competent. The half yearly inspection in the City is now done by the Deputy Commissioner of Police without any honorarium. The Police are now responsible for all motor vehicles in traffic and it is a matter for consideration whether the road worthiness of lorries should be left to be certified by a private person. In any case there seem no reason why Govt. should lose revenue which was otherwise to be a source of income.

4. Lorries plying for hire without 'G' Permits.-

The general complaints from all districts have been that many lorries do not take out 'G' Permits although they ply for hire. The difficulty has always been to prove that they have been plying for hire. Lorries unlike buses do not stop on the road and solicit fare. They are intermittently plied to carry goods from one place to another and in view of the ruling of the High Court and the opinion of the Advocate General nothing could be done to check the practice.

Separate file.

It has been decided recently that in the case of four and five seater cars which ply for hire without taking out 'G' Permits, the police should make out a list of all such suspected vehicles and warn the owners to take out Permits on pain of the registration certificate being cancelled, The same procedure may be adopted in the case of lorries and when the owners take out 'G' Permits, they would then come automatically under the conditions of the 'G' Permits and the owner would be compelled to take out brake certificates. In case of lorries which still continue to ply for hire, the ~~suggestion~~ which is proposed in the case of ~~private lorries~~ four and five seater cars without G. permits may be applied. ~~would however apply.~~ Please see also note on privately owned lorries

2 of note 3 to the G. Permit is deleted as amended as proposed in para. 3 of 14 ante

5. Privately owned lorries.- These may be classified into two.- (i) Heavy motor lorries and (ii) light motor lorries. It may be mentioned at the outset that there are difficulties in regard to the control of such vehicles in regard to their road worthiness etc., The opinion of the Conference was that these should also take out 'G' Permits. It is submitted that this is not possible . 'G' Permits are granted under rule 30(a) of the Motor Vehicles Rules and this rule has been issued under section 11(2)(e) of the M.V.Act under which only motor vehicles plying for hire could be controlled in the manner. There is no other enabling provision in the Act under which such conditions can be prescribed. The question of insisting on 'G' Permits seems to be out of the question. The question therefore arises as to how private lorries can be controlled. This point is examined below.

15 ante

(i) Heavy motor lorries.- Heavy motor vehicle has been defined in the Motor Vehicles Rules as a motor vehicle exceeding two tons in weight unladen-rule 3(a). There are now special rules applicable to heavy motor vehicles - rules 31 to 41. The following are the special features relating to heavy motor vehicles.-

(a) Registration is annual - rule 33

(b) Special conditions have to be fulfilled before the registering authority registers the vehicle- rule 34.

(c) Certain special conditions have been prescribed for the use of such vehicles.

These special rules have been issued under sec.11(2)(a) and (1) of the M.V.Act. Section 11(2)(a) of the Act permits the Local Government to frame rules providing for the conditions subject to which vehicles may be registered. From these there is no provision under which rules can be framed compelling owners of private lorries for taking out 'C' permits, the only course possible seems to be to insert a condition in section 11(2)(a) to the effect that the lorries must have a valid brake certificate giving power to the registering authority to refuse to register the vehicle without the brake certificate. The following points then arise.-

(1) The period of validity of brake certificate

(2) Fees payable for the certificate.

(1) Validity of certificate.- Since the registration certificate is annual, the validity of the certificate may be annual as otherwise it will be necessary to make registration half-yearly. This will, it is submitted, throw additional work on the registering officers. ~~However, be given to impose a penalty of Rs. 100/- to at any time if on inspection it is found that the road worthiness of the vehicle is defective.~~

(2) Fees.- If it is decided that the brake certificate should be annual, the fee for an annual inspection may be Rs. 25/- (as against Rs. 10/- suggested) in the case of lorries plying for hire. ~~A nominal fee of Rs. 5 per half year has been suggested.~~ Alternatively, the fee for the annual registration of lorries may be raised to cover the fees for the inspection by issuing the necessary amendments and the registering authorities may be directed by executive orders of Govt. to have the lorries and other heavy motor vehicles taken before they are registered.

The fee for heavy motor lorries more than [illegible] with effect from [illegible] etc. This is

(ii) Light Motor lorries.- The registration of light motor lorries is not annual now. In order to place these lorries on the same position as heavy motor lorries it will be necessary to provide in the rules that light motor lorries shall be registered annually and conditions similar to those suggested for heavy motor vehicles ~~prescribed in (i) and (5) above.~~ may be applied.

As regards brake certificate fees it is submitted that the inspection fee in the case of light motor lorries may be fixed at Rs.20 as against Rs.10 suggested for vehicles plying for hire. Most of the lorries plying for hire are usually light motor lorries. A higher rate for private lorries may perhaps be levied on owners plying vehicles for hire authorised/'G' Permits.

6. A defective brake or a defect in the steering wheel alone does not make a lorry dangerous. If a lorry is loaded in such a manner as to allow things to protrude too long at the sides or project too long at the back, is dangerous to drive it. In the case of lorries plying for hire, conditions in this regard including restriction of speed can be prescribed in any form of licence that may be prescribed. But this cannot be done in the case of private lorries under the rule making powers conferred by section 11 of the Motor Vehicles Act. But this is not the case with local bodies who are empowered to make regulations under sec. 166 of the M.L.B Act regulating the use of any motor vehicle plying for hire and any motor lorry. Local bodies grant licences for the use of these vehicles on their roads and impose conditions in such licence. There seems to be, therefore, a case to address the Government of India that the Motor Vehicle Act should be amended empowering local Governments to frame rules to have a better control over lorries.

7. The remarks of L.S.G, Public (Police) and Finance may be invited.

18.

19 21

Now that it has been decided to take up the question of the revision of the madras M.V. Rules I think this long question will have naturally come up for consideration Then also it is not desirable to deal with this isolated question in advance. However I would like to see how the U.P. Govt have dealt with this matter in their recently framed rules, a copy of which was received by us the other day. Please put up this file again with those rules referring me to the relevant Rules. Meanwhile the main rules file which was received back from circulation some days ago shd be put up to me also - as that is a question which must be taken up immediately

A (?)

B

17.8.

D.S.

'A' also: The U.P. Rules will be found at (?). No special rules have been framed by Govt. of Madras.

22 20/

2. The D.M. T. Kanara has since written enquiring whether the Govt propose to issue rules in the matter - vide his letter at p/c of file maybe enjoined that the matter is still under the consideration of Govt.

3. Draft Rules for approval

(R.)
25/8.
can
25/8

Do the English Acts help us as regards lorries? Please refer me to the relevant sections, if at all urgent.

Dwd
28.8.

DJ.

The Road and Rail Traffic Act, 1933 regulates in detail the use of motor lorries - (called in Eglan - "Goods Vehicles") - Please see Secs. 1 to 36 of Act herewith.

(R.)
28.8.
can
28/8

These sections are very interesting & would be most helpful when framing rules for the licensing of lorries.

Dwd 31.8.

Pp 21-22 infra

Please see my separate notes on the subject of lorries or goods vehicles. Mr David will please take further action as personally directed

Dwd
31.8.

2.3

Goods carrying vehicles

21

It is most essential that all goods carrying vehicles whether they actually ply for hire or not should be subject to special regulations.

If this view is accepted it will be necessary to define this class of vehicle where do not think we can do better than accept the definition in section 1 (2) of the latest existing Act (Road & Rail Traffic Act 1933)

It will then be necessary to provide that all such goods vehicles should be compelled to take out a license. Those which are let or ply for hire will still continue to take out a G. Permit under Rule 30 of existing Rules. Other types of licenses will be prescribed for goods vehicles which do not take out a G. Permit namely on the following lines :-

(1) K. Permit for those goods vehicles which carry solely the goods of owner of vehicle.

(2) L. Permit for those goods vehicles which in addition sometimes carry the goods of others on receive payment for doing so.

I shall further prescribe that these goods vehicles shall be inspected as to their road worthiness once every 6 months by the Inspectors of Motor Vehicles who shall have power to enter upon private premises at all reasonable times for the purpose of carrying out such inspection. I shall charge no fee for this inspection but should make the license fee an all inclusive fee. The Inspector will have the power in the case of serious defects to issue a notice to owner of goods vehicle not to use the vehicle

upon public roads until defects were put right in case of less serious defects giving a notice calling upon the owner to remedy defects within a stated time failing which a second notice forbidding vehicles to use public roads would be served upon him

31.8.

DS.

Draft amendments to the M.V. Rules to Jabs. - Please see flag (A)

2. The draft amendments are explained below:—

Draft amendment I: Definition of the term "Motor lorry" seem necessary. The definition follows that given in the Road & Rail Traffic Act, 1933 & that adopted by the U.P. Govt.

Amendment II. The amendment is proposed as a separate form of Registration Certificate has been suggested for motor lorries and heavy motor vehicles. vide Amendment XV.

Amendment III: The portion in square brackets is new. A fee of Rs 32 has been suggested for motor lorries. This with reference to the fee for examination is the same as that fixed for heavy motor vehicles since motor lorries would come under the definition of heavy motor vehicles.

Amendment VI proposes to a driving license in the possession of private motor cabs. Taxis etc. now

Put up
A a fr 14/3/Co 998/4.721 -(L)

* vide A flag's note p. 21 ante

Mch 33

take out a hide licence under rule 9 and the fact of refusal is necessary in the case of lorries in their possession.

Amendment VII: Draft rule 14A. no remarks

Draft rule 14B is based on Sec. 8 of the Road & Rail Traffic Act, 1933.

Draft rule 14C(1) follows condition 4 of the G. Permit. Sub rule (2) follows condition 3 of the G Permit.

Amendment VIII. The words underlined are new. This amendment is consequential. It seems necessary also to make the position clear so that the registering authority will have power to cancel the registration Certificate if the conditions now proposed are not complied with.

Amendments IX & X The amendment has been proposed so as to bring it into line with the draft amendments in III & XII respectively.

Amendment XII: There are now Special conditions in respect of heavy motor vehicles - rule 37. Since motor lorries would come under the definition of heavy motor vehicles & it seems safer to draft rules 14B & 14C as part of the licence/Conditions in rule 37.

Law (Draft.) with no doubt-about
Amendment XIII : The addl.
particulars suggested seem
necessary in order to prevent misu
obtaining [illegible] what a I.G. thinks
Amendment XII-(A) One of the conditions proposed with HB
is that the vehicle shall be used only
for the purpose specified in the
Regn. Certificate. Rule 15 is proposed
to be amended with a view to enable the
Registering authority to cancel the
Regn. Certificate if he finds that
the vehicle is used for any purpose
other than that specified in the
Certificate.

Amendment XII:

3. If the draft amendments
are approved, the I.G. of Police and Mr.
Gaine who is very much interested
in the question might be consulted.
After their replies are received, the
draft amendments will be
scrutinized carefully. Pub. (Police)
may see.

6.9.

6/9 This must be taken up with the general revision of the Rules.

11.9.

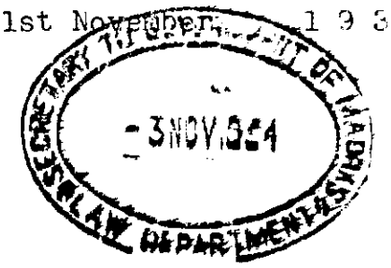
(9K)

D.S. Secy to G.

28 Jud. 454/3.11.34.

South Kanara District Magistrate's Office,

Mangalore, dated 1st November 1934.



My dear Bragg,

Motor Vehicles Act--Lorries -- Control of.

For the last year I have been searching for methods of bringing under control the numerous hiring lorries that ply between Mangalore and the Mysore and Coorg estates. The aim of these lorries is, if not to accomplish two double journeys in a day, at any rate to do a double journey and a single journey in the day so that three double journeys may be done in two days. This means that they have to travel fast and the result on the winding roads of South Kanara is that very soon after the opening of the carting season for estates (mid-September) the corners of the main roads get badly cut up by these heavy vehicles going round them with their brakes on.

I had brought the matter up at the Collectors' Conference in May 1934 and I understood as a result of the discussion that the Government were agreeable that all lorries should be made to take out a permit akin to the "G" Permit, which would enable their speed to be checked. I stated at the Conference that the main object in my opinion was not to raise more taxation from lorries but to bring them under some control.

It is disappointing therefore to find that November is here and there has been no notification in the Fort St. George Gazette announcing a new Rule under the Motor Vehicles Act for the purpose of bringing lorries under control. As a period has to elapse before the draft rule is confirmed by the Government, I am much afraid that the rule will not be brought into force in order to help the West Coast Districts at all in 1934-35. I was informed in

21

Memorandum No. 2499/A--1, dated 28th August 1934 that the matter was still under the consideration of Government. May I be permitted to represent that it is an urgent matter for South Kanara at any rate, as we have no P.W.D. roads with concreted corners as they have in Malabar.

To

G. T. Boag, Esq,C.I.E. I.C.S.,

Secretary to Government, Law &
Education Department,

Madras.

30

Law (Genl Deptt

(No. 2499A)

D.S.

Mr. Gawne's D.O. at pgs 26-27 ante is sub. for perusal

2. As a result of the discussions at the last Collectors Conf., the question as to how lorries carrying coal should be controlled was examined in detail. As the whole question was bristling with difficulties it was agreed by the D.S. that the question should be taken up with the general revision of the rules which is now on the anvil.

3. From Mr. Gawne's D.O. at pgs 26-27 ante, it would appear that he is more anxious ~~to~~ (to check the speed of lorries since the lorries running on the winding roads of S. Kanara cut up badly the corners of the main roads. Lorries which do not take out G. Permits under Rule 30(a) are not subject to any speed limit now. When Mr Gawne was the S.M. of Malabar he instanced a similar case of lorries damaging

F)
14.9.49

the roads and as a result of his representation, a notification was issued limiting the speed of all motor lorries to 15 miles per hour vide GO. 3597, dated (Secret) d. 14.9.29 & GO 4488, dated (Secret) d. 18.11.29. (2)

3. Under rule 25 of the M.V. Rules the D.T.P. "may restrict the driving of Motor Vehicles in any public place or places to such maximum speed as may be indicated upon traffic boards etc". It seems doubtful whether under this rule, the D.T.P. could restrict the speed of any particular class of vehicles. It would appear that Govt. alone could do so under Sec. 11(2)(b) & (h) of the Indian Motor Vehicles Act as was done in the Malabar Dt.

4. For above reasons the draft rule may be forwarded for criticism and the circumstances explained to Mr Gaunt

14.11.

I think Mr Jaunt may be asked first call by D.O. whether he would be in favour of issue of similar rule in respect of

33 21

Law (Gen.) Dept

KM 4/12

bs 4/12

(Cn 2499 A)

GO 2499 A-23 4.12.34

My dear Carne,

(Motor Vehicles Act - Lorries - Control of - Govt GO to Boag d. 11.11.34)

I am desired to enquire whether you would be in favour of the issue of a rule under Sec. 11(3)(d)(ii) of the Mad. Motor Vehicles Act- limiting the speed of motor lorries using the roads (a certain roads) in the S. Kanara district, as was done in the Malabar district in Go. 4488, Law (Ga) d. 18.11.29, a copy of which is forwarded for your information.

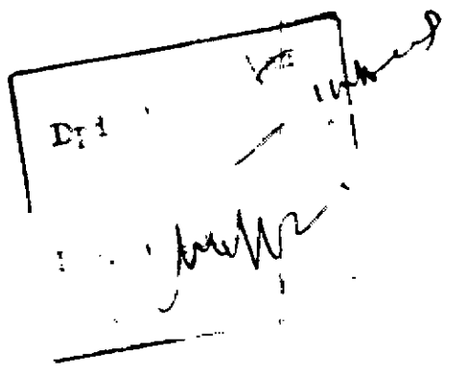
2. I am to say that the question of the general control of lorries will be dealt with by the Committee

(X)

Also would you please specify the roads and which not be governed by the speed limit & what speed limit shall be

25 V 54

Draft to the Constituted Assembly Govt as to the revision of the present Rules and that after the Committee's report the Govt hope to issue rules subject to such alterations as may be found necessary.



To E. M. Gane, Esq
Dr B. Kahan
(w.r. Copy of F.No 4400/29)

22-54
53
35 Lfml: 5074 A
14 12 3
15.12

South Kanara District Magistrate's
Office,

Mangalore, dated 12th December 1934

Sd/
14.12

My dear Boulton,

Motor Vehicles Act--Lorries--Control of.

Ref:- Your D. O. No. 2472-A--2 dated 4th September 1934, Law (General) Department.

I have consulted the District Superintendent of Police in the matter. We are agreed that the issue of a rule under section 11 (2) (g) and (h) is very desirable and that if there was such a rule it would be possible to control motor lorries satisfactorily. We do not however think that speed limit should be placed at 15 miles an hour. This is unreasonably low and it can be argued with some certainty that to drive a lorry at this pace would

M.V. Act

M 31-32 ant

Law (Genl) Dept.

DJ.

(Page 26 et seq need alone be read)

Mr Gawan recommends a maximum speed of 25 mph on open roads and 15 mph in towns and villages and where the view ahead is obstructed

1934 with

2 8

A note is on the lines suggested by Mr. Gdnne with the rather General terms. For example it is the matter of opinion as to whether any of the view ahead is obstructed. Rule 25 gives power to D.S.P. to erect notice boards indicating speed limits and provision with the same in the next year's B.P. about the cost of such erection. The Rule proposed in the issued may be made subject to the new Rule so that the D.S.P. may erect notice-boards at places where he considers the view is obstructed.

I think this may be altogether omitted bonds.

Head lights Part II Schedule

2. A draft rule is placed below. Law (Drafting) may see for remarks

24/12

bonds 4.1.

Law | Drafting

Home: 2 & 99 A-3
4.1.35

ASSISTANT SECRETARY TO GOVT. 5-JAN 1935 LAW DEPT.

Law (Drafting) Department.

There may be a definition of "motor lorry" as in the Malabar rule - vide G.O.No. 4484 Law (General dated 18th November 1929.

(D)

The following redraft of the rule is

suggested:--

"No person shall drive a motor lorry in any public place in the South Kanara district at a speed exceeding the following limit, namely:--

(i) in towns and villages - 15 miles per hour; and

(ii) in other places - 25 miles per hour.

Explanation I. In this rule 'motor lorry' means a motor vehicle ordinarily used for the carriage of goods.

Explanation II. Nothing contained in this .... shall be deemed to dispense with the observance of any restriction or condition imposed by, or in pursuance of, the Madras Motor Vehicles Rules, 1923."

K R
5/1/35

5/1/35 U.S.

Law (Genl)

Law Genl Dept

D.S.

The draft suggested by Law (Draft) may be accepted. In regard to the definition of 'motor lorry' in Explanation I, it is suggested that the definition of the term proposed for consideration by the Motor Vehicles Rules Committee may be adopted - vide A para 27 of Secretariat notes at (O)

2 A draft order is sub-

Sec'y (Mr Boag) has directed that all files relating to Bills, rules and regulations should be sent through him. It would be more convenient if the file is sent to the Sec'y to Law (Genl) instead of to the Law (Genl) Dept. The main duty of the Law Dept. is to advise on the legal aspects of the matter. The Law Dept. should not be burdened with the duty of examining the file from the point of view of the Secretariat procedure. The Law Dept. should only be consulted when the Secretariat has finished its work and the file is ready for the Law Dept's opinion.

Law Dept - A - 46

ASSISTANT

Lgd: 7bA
8-1-35

40

for approval. P/s for consideration whether Mr Gawne should be informed why the Govt have not accepted his proposal about restricting the sheet of lorries in places where the view is obstructed

3. Law (Drafts.) may see the draft-motor before the file is circulated to Hon. Cs.

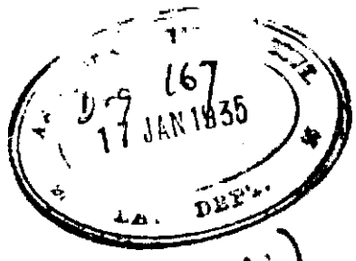
A

Ld. 1.35

17.1.

Law (Drafting).

Lfml: 2k99A-4
17.1.35



Law (Drafting) Department.

The definition of "motor lorry" proposed is in order. The formal alterations indicated in red ink on the draft may be made. The draft is otherwise in order.

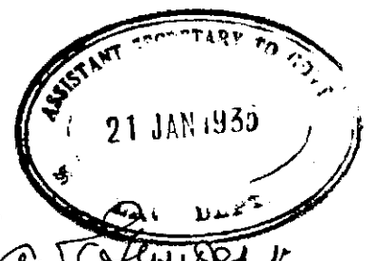
K. M
17-1-35

17.1.35.

Law (General

Law (Drafting) 167-1
21.1.35

Lfml: 245A
21.1.35



Law (Genl) Dept

For orders as to Circulation

21.1.

21/1

22.1.

C3. Name may be published

ABP
22.1.35

ABP

The Co. has been warned for issue. For news a line should raised at A.M.37 ante

24.1.35.

No further communication.

Her Ref

That is all we need to know.

[illegible]

42

Law (Fen) Dep

Draft Rule

Subject to the provisions of rules 25 and 25B of the Madras Motor Vehicles Rules, 1923 and to any special or general restrictions prescribed under these rules, no person shall drive a motor lorry in any public place in the South Kanara district at a rate of speed in excess of the following, that is to say

(1) In towns and villages ~~as in~~ 15 m.p.h.

~~where speed is obstructed~~

(2) In other places — 25 m.p.h.

4.1.35.

4 3

C.F.16.

DRAFT FOR APPROVAL. Law (Gen) Dept

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined..		
When signed ..		
When despatched.		

SUBJECT:— Motor Vehicles Rules —
Speed limit of motor lorries in the S. Kanara district — preliminary notifn published

READ AGAIN _____, dated _____ 19____.

" " _____ " _____ 19____

READ *ALSO*:—

No. _____ From the _____, No. _____, dated _____ 19____.

" _____ " _____ " _____ " _____ 19____.

" _____ " _____ " _____ " _____ 19____.

Order / ~~Resolution~~ No. Ms. Pro. 208, dated 23 — 1 — 19 25.

Dpd. by Van / Post / Messenger
Appr'd initials
Date 24 — 1 — 1925.

The appended notifn will be published in the Fort St. George Gazette (R. English and in the Vernacular

The D.M. S. Kanara ✓
I.G of Police. ✓
Secy., A.A.S.J. ✓
Secy. Translator & Govt. ✓
Law Draftg. Dept. ✓
X.S.G Dept. ✓
P.W.D. Dept. ✓
S.G.P. for publication of notifn in the Gazette (and 20 clean copies of notifn)

Appendix

Notification

The following draft of a rule to regulate the driving of motor lorries on public roads in the South Kanara district which the Governor in Council proposes to make in exercise of the powers conferred on him by clause (g) of sub-section (2) of section 11 of the Indian Motor Vehicles Act, 1914 (VIII of 1914), is published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby.

Notice is hereby given that the ~~said~~ draft will be taken into consideration by the Governor in Council on or after the ~~2nd February~~ 1st March 1935 (and that) any objection or suggestion which may be received from any person with respect to the ~~said~~ draft before the date ~~aforesaid~~ ~~above specified~~ will be considered by the Governor in Council..

Draft Rule.

No person shall drive a motor lorry in any public place in the South Kanara District at a speed exceeding the following limit, namely.--

(i) in towns and villages - 15 miles per hour; and

(ii) in other places - 25 miles per hour

Explanation I.- In this rule 'motor lorry' means a motor vehicle constructed or adapted for use for the carriage of goods.

Explanation II.-- Nothing contained in this rule shall be deemed to dispense with the observance of any restriction or

Scott. H-22—2,0(

ORDINARY REFERENCE. URGENT (a)

...DEPARTMENT.

Current No....., dated.....193 .

G.O. No 208..., dated 23.1.35 .....193 .

Number of MS. pages sent { (b) Correspondence ... (b1) Notes Annexure 1 ....

Brief subject.... New Rules — Amendment ....

(c) Number of copies required when struck off (*not including copies for volumes and editors' table which are retained in the Press*).	E. T. copies to supply requisitions for purchase by the public.	Complete correspondence and orders.	Notes.
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For filing with original ...			
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INSTRUCTIONS FOR THE SECRETARIAT.

(a) If a paper is marked to be printed urgently, the Superintendent of the section concerned should sign the Press slip. The Superintendent should exercise a careful discretion in the matter.

(b) Each letter, memorandum, or order, or set of orders, in the file of correspondence should be headed in succession with the Roman numeral I, II, III, etc., the number being written in red ink or blue chalk above the item. The particular papers to be printed in the special issue-copies should be indicated by the Roman numeral (I, II, etc.) by which that item has been headed in the correspondence file. All matter, including marginal remarks or references, to be printed should be written in ink and matter which should not be printed should be encircled. Initials and signatures that are not quite legible should be re-written distinctly.

(b1) For rules regarding printing of notes, see rule 315 of the Office Manual.

(c) The number of copies and the details of distribution should be filled in by the Superintendent or Referencer concerned.

(d) In the absence of special instructions to the Press to keep matter standing for a specified period, ordinary papers of 8 pages and under will be kept standing for *one* week, and larger papers for *two* weeks only. *The type of notes and of all confidential papers is distributed immediately after striking.*

(e) This slip, properly and completely filled in, should accompany every paper sent to Press; it will be returned by the Press when proofs are furnished; it should be sent to the Press when a call is made for revised proofs or when a corrected proof is sent for striking. When finally returned by Press it should be filed with the original order or letter.

INSTRUCTIONS FOR THE PRESS.

(a) If, in the opinion of the Superintendent of the Press, a paper has been marked urgent unnecessarily, he should send the Press slip to the Registrar with a remark to that effect.

(b) Unless a note to the contrary is made against the matter, pencil entries should not be printed. The Superintendent of the Press may bring to the notice of the Registrar any instance of incomplete or careless editing.

(c) Signature copies of letters to the Secretary of State or to the Government of India should be printed on hand-made paper.

(d) This slip should be returned by the Press to the Secretariat when proofs are furnished; it will be sent back to the Press when proofs are returned corrected and should be finally returned to the Secretariat when struck-off copies are supplied.

(e) The names of the Secretary and Members should be printed in full when they occur on the right hand side, only the first time when they appear on the left side, the initials alone being printed later.

47

TO PRESS, MADRAS, OOTY.

se send proof in duplicate. The pers have been carefully edited.

Referencer.
Clerk.

Supt.

Proof returned corrected. Please strike off and send number of copies as indicated.

Type may be released after usual interval at once.

Referencer.
Clerk.

Supt.

As the matter is clear manuscript and has been carefully edited, (b) proof need not be sent. Please print and supply number of copies as indicated.

Type may be released after usual interval.

Referencer.
Clerk.

Supt.

SPECIAL INSTRUCTIONS.

Press

The notifn in the append
and be published in the next
issue of the T.S.G Bazette: Please fix
10 Copies of the not fn as proof sheets

PP.
1/1/30

TO BE FILLED IN BY THE PRESS.

Diary.	Initials of Press official.
Received in Press on	
First proof furnished on	
Call for revised proof received on	
Revised proof furnished on	
Corrected proof received for striking on	
Final copies supplied on	

Government of Madras

LAW (GENERAL) DEPARTMENT

G.O. No. 208, 23rd January 1935

Motor Vehicles Rules—Speed limit of motor lorries in the South Kanara district—Preliminary notification published.

Order—No. 208, Law (General), dated 23rd January 1935.

The appended notification will be published in the *Fort St. George Gazette* in English and in the Vernaculars.

(By order of the Governor in Council)

D. H. BOULTON,
Deputy Secretary to Government.

To the District Magistrate, South Kanara.
„ the Inspector-General of Police.
„ the Secretary, Automobile Association of South
„ the Senior Translator to Government.
„ the Law (Drafting) Department.
„ the Local-Self Government Department.
„ the Public Works and Labour Department.
„ the Superintendent, Government Press, for publication of notification in the Gazette (and to send 20 clean copies of notification).

[Appendix

APPENDIX

NOTIFICATION

The following draft of a rule to regulate the driving of motor lorries on public roads in the South Kanara district which the Governor in Council proposes to make in exercise of the powers conferred on him by clause (x) of sub-section (2) of section 11 of the Indian Motor Vehicles Act, 1914 (VIII of 1914), is published, as required by sub-section (1) of the said section, for the information of all persons likely to be affected thereby.

Notice is hereby given that the draft will be taken into consideration by the Governor in Council on or after the 1st March 1935 and that any objection or suggestion which may be received from any person with respect to the draft before the date aforesaid will be considered by the Governor in Council.

DRAFT RULE.

No [illegible] shall drive [illegible] any [illegible] public [illegible] in the South Kanara District [illegible] following [illegible]—

[illegible] and will [illegible] 15 miles per hour, and

[illegible] other places—25 miles per hour.

Explanation I.—In this rule "motor lorry" [illegible] constructed or adapted for the [illegible] goods.

Explanation II.—Nothing contained in this rule [illegible] dispensed to dispense with the obligation [illegible] condition imposed by, [illegible] Motor Vehicles Rules, 1928.

NOTIFICATION.

Fort St. George, January 23, 1935
[*G.O. No.* 208, *Law* (*General*)].

No. 87.—The following draft of a rule to regulate the driving of motor lorries on public roads in the South Kanara district which the Governor in Council proposes to make in exercise of the powers conferred on him by clause (*g*) of sub-section (2) of section 11 of the Indian Motor Vehicles Act, 1914 (VIII of 1914), is published, as required by sub-section (1) of the said section, for the information of all persons likely to be affected thereby.

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(i) in towns and villages—15 miles per hour ; and

(ii) in other places—25 miles per hour.

Explanation I.—In this rule 'motor lorry' means a motor vehicle constructed or adapted for use for the carriage of goods.

Explanation II.—Nothing contained in this rule shall be deemed to dispense with the observance of any restriction or condition imposed by, or in pursuance of, the Madras Motor Vehicles Rules, 1923.

D. H. BOULTON,
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(i) in towns and villages—15 miles per hour ; and

(ii) in other places—25 miles per hour.

Explanation I.—In this rule 'motor lorry' means a motor vehicle constructed or adapted for use for the carriage of goods.

Explanation II.—Nothing contained in this rule shall be deemed to dispense with the observance of any restriction or condition imposed by, or in pursuance of, the Madras Motor Vehicles Rules, 1923.

D. H. BOULTON,
Deputy Secretary to Government.

NOTIFICATION.

Fort St. George, January 23, 1935
[*G.O. No.* 208, *Law* (*General*)].

–The following draft of a rule to regulate the motor lorries on public roads in the South Kanara district which the Governor in Council proposes to make in exercise of the powers conferred on him by clause (*g*) of sub-section (2) of section 11 of the Indian Motor Vehicles Act, 1914 (VIII of 1914), is published, as required by sub-section (1) of the said section, for the information of all persons likely to be affected thereby.

Notice is hereby given that the draft will be taken into consideration by the Governor in Council on or after the 1st March 1935 and that any objection or suggestion which may be received from any person with respect to the draft before the date aforesaid will be considered by the Governor in Council.

DRAFT RULE

No person shall drive a motor lorry in any public place in the South Kanara district at a speed exceeding the following limit, namely :—

(i) in towns and villages—15 miles per hour ; and

(ii) in other places—25 miles per hour.

Explanation I.—In this rule 'motor lorry' means a motor vehicle constructed or adapted for use for the carriage of goods.

Explanation II.—Nothing contained in this rule shall be deemed to dispense with the observance of any restriction or condition imposed by, or in pursuance of, the Madras Motor Vehicles Rules, 1923.

D. H. BOULTON,
Deputy Secretary to Government.

NOTIFICATION.

Fort St. George, January 23, 1935
[*G.O. No.* 208, *Law* (*General*)].

No. 87.—The following draft of a rule to regulate the driving of motor lorries on public roads in the South Kanara district which the Governor in Council proposes to make in exercise of the powers conferred on him by clause (*g*) of sub-section (2) of section 11 of the Indian Motor Vehicles Act, 1914 (VIII of 1914), is published, as required by sub-section (1) of the said section, for the information of all persons likely to be affected thereby.

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D. H. BOULTON,
Deputy Secretary to Government.